

Open letter re: Grist Mill, Dam and Mill Pond

To whom it may concern:

As a result of an ongoing voluntary research project in which I am attempting to map the original divisions of Hampton, I have discovered some important information about the Grist Mill, Dam, and Mill Pond near the end of High Street. The original grant by the Town was made in 1686, was amended in 1709, and was noted and confirmed in 1738. The source of the title to all of the properties around Mill Pond is the First Division of the Five Divisions of Hampton laid out by its Proprietors in 1738. There were six original lots granted adjacent to but **not including** Mill Pond (or Tuck's Dam, as it was called). Title questions relative to mills and impoundments can often be quite complex, but in this case there are only two possibilities. The pond, dam, and mill yard were either previously granted in fee to John Tuck by the Town or were retained in fee by the Proprietors when the abutting Division lots (40, 42, 44, 45, 46, and 47) were laid out and assigned. Based on the evidence accumulated to date through extensive research, it is my considered opinion that, regardless of which interpretation applies, the succession of title to the Mill yard, Dam, and Pond leads back to the Town of Hampton.

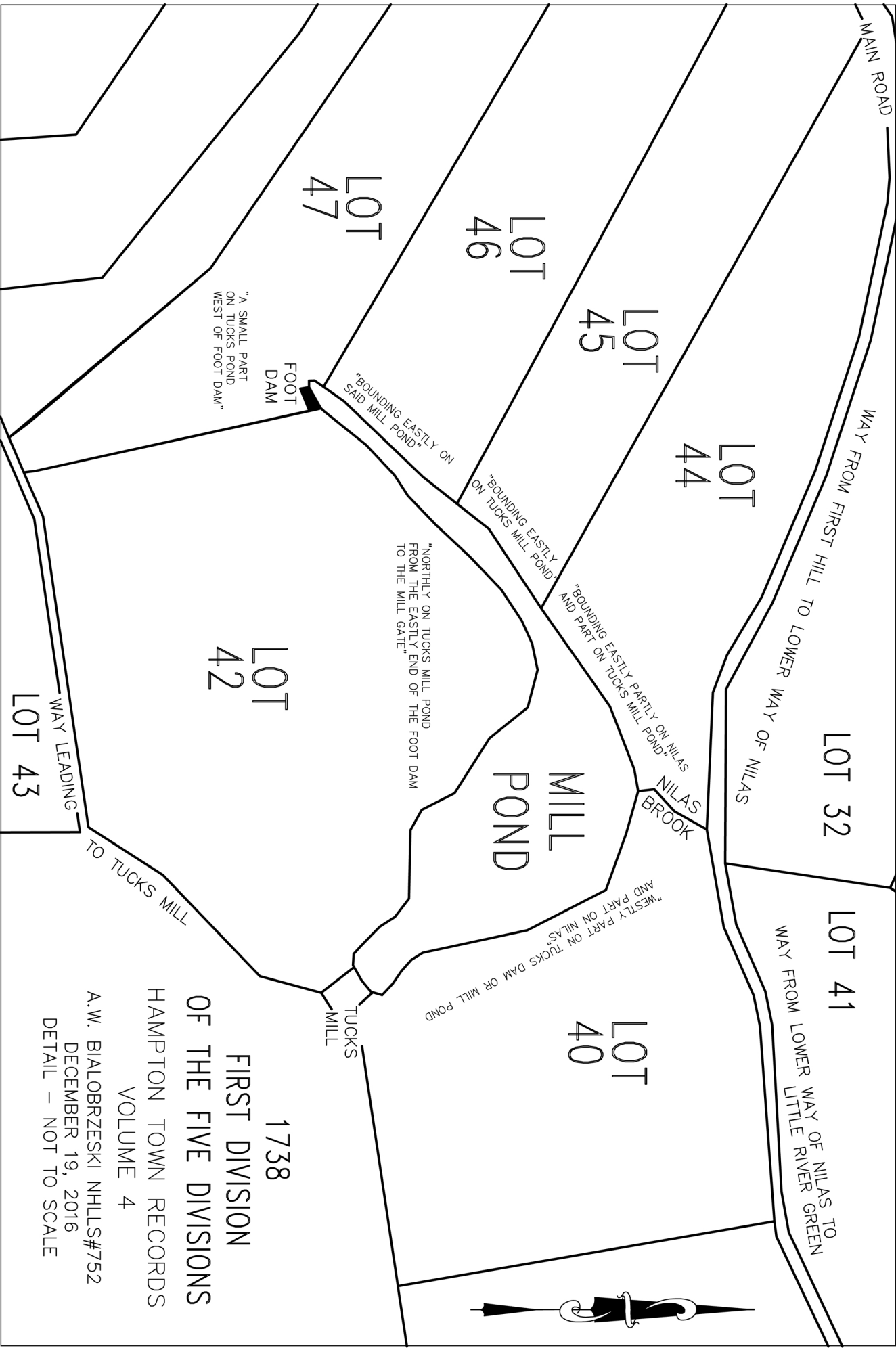
The narrative on the mill and dam conveyances has remained unchanged to the present day in reflecting the original grant. After the First Division was allotted, subsequent deed descriptions of properties around the pond were consistent in excluding the pond for over 150 years, after which some descriptions were changed to include parts of the pond in the conveyance. Having found no actual action by the Town or the owners of the Mill to convey or abandon any acquired interest in the mill, the dam, or the pond, I have concluded that these description changes were unsubstantiated and erroneous. Some of the actual property owners must have agreed, as there are instances of such errors being corrected in later deeds from the same chains of title.

The development years of the 1950s through the 1990s were too much for a forgotten truth from two centuries earlier. Surveyors and tax mappers alike, unaware of the specifics of the original division and not knowing what to do with the Mill Pond, have elected to assign it to the abutting landowners. I believe that this is incorrect and I believe that it matters, especially now as the Town is preparing to repair the dam. I **do not** believe that this is a situation that warrants any adversarial action or litigation against anyone. I do believe that conducting *informal* discussions with affected landowners and then preparing and recording a boundary survey of the pond and dam is the best way to proceed. The cost of a survey seems a small price to pay to officially include Mill Pond in the valuable preservation work already undertaken by the Town of Hampton at this location.

I have worked hard on this and hope the powers that be will give this letter and my recommendation their full consideration. An illustrative plan is attached to assist you.

Anne W. Bialobrzski, NHLLS#752 (247 Landing Road, Hampton, NH)

12/19/16 cc: James Verra, Fred Welch, David Collier, Rayann Dionne, Chris Jacobs



1738
FIRST DIVISION
OF THE FIVE DIVISIONS
HAMPTON TOWN RECORDS
VOLUME 4
A.W. BIALOBRZESKI NHLS#752
DECEMBER 19, 2016
DETAIL – NOT TO SCALE